

REMARKS

The official action of 17 November 2008 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The courtesy of Examiner Flemming Saether in discussing this application with the undersigned in a telephone interview on 26 February 2009 is gratefully acknowledged. The substance of the interview is discussed below in connection with a response to the outstanding rejections.

In view of the discussion in the interview, claim 1 has been amended further to distinguish over the prior art. Support for the recitations incorporated into claim 1 appears in Fig. 2 of the drawings and the corresponding description in the text.

New claims 14 and 15 have been added more completely to define the subject matter which Applicant regards as his invention. Support for the recitations in these claims appears in Fig. 2 of the drawings.

The claims remain rejected under 35 USC 103(a) as allegedly being unpatentable over Bodin in view of Panasik or over this combination of references further in view of Freedland. Applicant respectfully traverses these rejections.

As discussed in the interview, the primary reference cited by the Examiner, Bodin, describes a cap member having a cavity 15 with a first region 16 at the end of bore 18

and a second region 17 distal to the end of bore 18 (see Fig. 1). The first region 16 is sized to securably receive the head 20 of an anchor member such that, when the cap is rotated, the anchor member also rotates therewith (see column 2, lines 26-30 and Fig. 2A). The second region 17 is sized to movably receive the head of the anchor member (see column 2, lines 30-31 and Fig. 2B). The reference thus teaches away from a threaded rod that is disposed at the end of a threaded passage and is nevertheless rotatable with respect to a turn member. The reference also teaches away from a turn member having a cavity that is widest at the end of the threaded passage.

In view of the above, and further to distinguish the claimed invention from the cited art, Applicants discussed with the Examiner proposed amendments to the claims that would limit the cavity to one that is at the end of the threaded passage and that allows for the aforementioned relative rotation of turn member and threaded rod. The Examiner observed that it would be possible to define the cavity 16 in Bodin as part of a “threaded passage” such that this limitation would not overcome the reference. He did, however, courteously suggest that Applicant might be able to overcome the reference by further limiting the proposed claim to distinguish the passage from the cavity of the hollow base by, for example, reciting that the passage has a uniform diameter (see Fig. 2 of drawings) or that the cavity has an axial dimension that is no bigger than the head (see Fig. 2). These suggestions have been incorporated into new claims 14 and 15.

Claim 1 has now been amended to preclude the cavity 16 in Fig. 2A of Bodin from being considered as part of the passage so as to take account of the Examiner’s observation in the interview. When one looks at Bodin, for example Figures 2a and 2b, the

head of the threaded bolt is the part 20. See column 23, line 12. There is clearly a threaded passage 18 and a cavity below the head 20. This is the "counter bore region 16" that the Examiner maintains could be considered as part of the passage 18 or part of the cavity. However, claim 1 as amended precludes the region 16 from being considered part of the passage 18. If the region 16 were considered part of the passage 18 then the passage 18 would not have a transverse width less than the head. On the other hand, if the region 16 were considered part of the cavity then clearly the head 20 could not be located in the cavity and still provide for relative rotation between the turn member and the rod as required by the claims since, as discussed above, Bodin's principle of operation requires that the counter bore 16 be sized to prevent rotation.

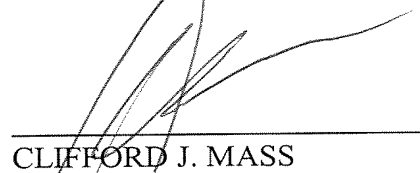
Still further to the above, even if the head 20 were modified to have a slot, the modified form of Bodin would still not anticipate claim 1.

In view of the above, Applicant respectfully submits that Bodin does not show or suggest the invention defined by the claims as amended. Moreover, Bodin cannot be modified by any other reference to arrive at the claimed invention because any such modification would impermissibly change the principle of operation of the reference which requires that counter bore region 16 be sized such that, when the cap is rotated, the anchor member rotates therewith. See MPEP 2143.01(VI) ("If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious."). Moreover, as also discussed in the interview, there would additionally have been no motivation or reason to provide the threaded screw of Bodin with a

driving mechanism comprising a tool engaging portion since Bodin already has a driving mechanism (i.e., engagement of the cap 12 with the hexagonal head 20).

Accordingly, Applicant respectfully submits that the prior art rejections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Clifford J. Mass', is written over a horizontal line.

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